United Nations A/67/924–S/2013/396

General Assembly
Security Council

Distr.: General
5 July 2013

Original: English

General Assembly
Sixty-seventh session
Agenda items 33 and 34

Security Council
Sixty-eighth year

Prevention of armed conflict

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 1 July 2013 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I draw your attention to the document A/67/875-S/2013/313 containing the letter of the representative of Azerbaijan, who makes desperate attempts to distort and misinterpret the Security Council resolutions of 1993 and the subsequent presidential statements, as well as the statements and comments of the Organization for Security and Cooperation in Europe, the Secretary-General of the United Nations and Member States pertinent to the Nagorno-Karabakh issue.

This work style, which stands out mainly by the circulation on a regular basis of inexpensive narratives, proves that Azerbaijan is incapable of contributing to the works of the main bodies of the United Nations, and the Security Council in particular, and is aiming to disseminate propaganda in the Organization to serve its narrow political and domestic agenda. The explicit evidence for the unwillingness of the Azerbaijani authorities to compromise is found in the endless layers of lies concerning the Karabakh problem, the causes of the armed conflict, the interpretation of fundamental rules and norms of international law and the negotiation process itself.

The essence of the problem lies in the exercise by the people of Nagorno-Karabakh of their inalienable right to self-determination — in full compliance with the norms of international law and domestic law of the Soviet Union before its collapse in 1991. The conflict broke out in response to the claim for self-determination as a result of coercive policies adopted by the leadership of Azerbaijan, displayed in brutal massacres and ethnic cleansings of the 400,000-strong Armenian population of Azerbaijan as well as in the unleashing of the full-scale military aggression against the Republic of Nagorno-Karabakh.

The aggression of Azerbaijan was condemned by the international community at the time. The Defense Army of Nagorno-Karabakh defeated Azerbaijani forces

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and saved the civilian population from total extermination. However, Azerbaijan still hopes to solve the conflict by use of force. This is explicitly manifested in the anti-Armenian xenophobic and militant rhetoric of the highest leadership of Azerbaijan.

Azerbaijan has been showing poor records on human rights and democracy and has been widely criticized for its authoritarian system of governance. The Azeri authorities try to gain internal legitimacy by consolidating the Azerbaijani population around the image of "our main enemies are Armenians all over the world".

Azerbaijan acted so provocatively that last year the international community, including relevant United Nations bodies, condemned the glorification of Ramil Safarov in Azerbaijan, who had become notorious for the axe killing of a sleeping Armenian officer in Budapest.

As stipulated by the Charter of the United Nations, the principle of equal rights and self-determination of peoples is one of the four United Nations objectives, while the territorial integrity of States is a principle aimed at achieving these purposes. Distorting international law and violating the Charter, the Azerbaijani leadership sets the territorial integrity of Azerbaijan against the right of self-determination of the people of Nagorno-Karabakh.

The aggressive policy of Azerbaijan undermines the negotiation progress conducted within the framework of the Minsk Group. The Co-Chairs of the Minsk Group have repeatedly stated that there is no military solution to the conflict and that the parties must prepare their populations for peace, not war. However, Azerbaijan continues to increase its military budget and propagate hatred against Armenians.

According to the Madrid document and repeated public statements made by the Co-Chairs of the Minsk Group, the conflict must be settled on the basis of three principles of international law; the non-use or threat of force, territorial integrity and the equal rights and self-determination of people. By claiming Karabakh to be part of Azerbaijan, Baku rejects the right to self-determination; moreover, using militarist rhetoric it also rejects the non-use of force. The only principle Baku accepts is the principle of territorial integrity, but in a manner of distorted interpretation of the Madrid document and in contradiction to the Charter of the United Nations.

Notwithstanding the ongoing negotiations held within the framework of the Minsk Group, which is the only internationally agreed format for the conflict settlement, through the distortion of the history, nature and causes of the conflict, Azerbaijan makes attempts to involve other international organizations and forums in the settlement and initiates parallel processes that hinder the negotiation process.

The Minsk Group Co-Chairs have put considerable efforts into two main dimensions: the finalization of the Basic Principles and the establishment of confidence-building measures. Azerbaijan rejected all versions of the Basic Principles proposed by the Co-Chairs of the Minsk Group, including the latest versions presented at the summits held in the Russian Federation, in Saint Petersburg (June 2010), Sochi (March 2011) and Kazan (June 2011), respectively. It also rejected confidence-building measures proposed by the Co-Chairs with the full support of the international community such as the consolidation of the ceasefire,

the withdrawal of snipers from the line of contact and the establishment of the mechanism for the investigation of the ceasefire violations.

Unfortunately, rather than engaging genuinely and constructively in the peace process, the Azerbaijani side has embarked on the route of incessant propaganda and, this time, is entertaining the subject of the "non-compliance" of Armenia with the Security Council resolutions adopted 20 years ago. By doing so, Azerbaijan is trying to justify its stance of procrastination regarding the negotiations, accusing the mediators of "inefficient work" in order to abort the possibility of reaching a compromise solution based on the proposals of the Co-Chairs.

The 11-page "brief research" prepared by Azerbaijan only confirms the earlier statements by Armenia regarding the 1993 resolutions on Nagorno-Karabakh. Azerbaijan wasn't able to cite any Security Council document containing a demand to withdraw forces from the territories surrounding Nagorno-Karabakh adopted after the 12 May 1994 ceasefire. Why? Because the issue of surrounding territories is not the cause but the result of the conflict. It became a part of the negotiation agenda and not a precondition for the peace talks, as Azerbaijan tries to present. As the Co-Chairs have stated, nothing is agreed before everything is agreed. The only reason that the conflict is still not resolved is the lack of will by Azerbaijan to solve the conflict peacefully, as well as its continuous efforts to undermine the negotiation process and act contrary to all the arrangements agreed upon during the peace talks.

The Security Council resolutions adopted from May to November 1993 were repeatedly violated by Azerbaijan. First, the resolutions demanded "immediate cessation of all hostilities and hostile acts with a view to establishing a durable cease-fire," but Azerbaijan initiated more attacks against Nagorno-Karabakh. Azerbaijan tried to use all brief ceasefires and peace talks to regroup its armies and make another strike against Nagorno-Karabakh Republic. It turned out to be a very hard task for the Armenians and the mediators to establish confidence and atmosphere of trust with Azerbaijan. In fact, Azerbaijan has been backtracking from its agreed arrangements to the present date.

The Security Council stopped adopting any further resolutions on Nagorno-Karabakh, since their violation was devolving its decisions, undermining its authority and making those resolutions inefficient. The last Security Council resolution was adopted in November 1993, and only in May 1994 was a sustainable ceasefire established.

Thus, from April 1993 to May 1994, Azerbaijan undermined all ceasefire arrangements. This created a different situation, in which the issue of the territories surrounding Nagorno-Karabakh together with the issue of NKR territories controlled by Azerbaijan became a part of the peace negotiations. It is obvious that the territories around Nagorno-Karabakh are one of the main factors curbing the intention of Azerbaijan to start another aggression and ethnic cleansings against the people of Nagorno-Karabakh. So, the territorial issues are a part of the negotiation process, and will be resolved in accordance with the future peace agreements.

At the same time, on 3 February 1995, Armenia, Nagorno-Karabakh and Azerbaijan signed another agreement on consolidating the ceasefire on the line of contact and establishing the mechanism for the investigation of violations of the ceasefire. No territorial issues were touched upon in this document.

In vain attempts to reject every responsibility for the bloody consequences of the conflict unleashed by themselves, the Azerbaijani authorities try to present the conflict as a territorial dispute between Armenia and Azerbaijan. In this regard, it should be underlined that during the conflict Azerbaijan itself initiated negotiations with Nagorno-Karabakh Republic on the highest level.

On 3 September 1993, Heydar Aliyev authorized Afeyadin Jalilov, Deputy Chairman of the Supreme Council of Azerbaijan, to "conduct negotiations in order to arrange the meeting of the leaders of Azerbaijan and NKR". In response, a similar authorization was given to Arkadi Ghukasyan, Foreign Minister of Nagorno-Karabakh Republic. The meeting between Robert Kocharyan and Heydar Aliyev took place on 25 September 1993 in Moscow.

The high-level meeting was followed by a series of talks between other officials of Nagorno-Karabakh and Azerbaijan. Although Azerbaijan violated a number of ceasefires established with Nagorno-Karabakh, the final result of these negotiations was the 1994 ceasefire agreement between Nagorno-Karabakh and Azerbaijan, which was joined by Armenia.

The background of the signing of the ceasefire agreement perfectly illustrates that when Baku strives to reach certain results, it turns to the genuine party of the conflict, the Nagorno-Karabakh Republic itself, and doesn't prevent its full participation in the talks.

Regardless of the destructive stance of Azerbaijan and its non-compliance with United Nations resolutions and the norms and principles of international law, Armenia will continue her efforts towards the settlement of the Nagorno-Karabakh issue exclusively through peaceful means and on the basis of the principles, purposes and norms reflected in the Charter of the United Nations, and the provisions of the statements of the Presidents of three Co-Chair countries made in L'Aquila, Italy; Muskoka, Canada; Deauville, France; Los Cabos, Mexico; and Enniskillen, United Kingdom of Great Britain and Northern Ireland.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 33 and 34, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative